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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,131	11/20/2000	James Thomas Edward McDonnell	1509-135	6368

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/715,131

Applicant(s)

MCDONNELL ET AL.

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1-8-04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31 and 33-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31,33-68 are rejected under 35 U.S.C. 102(e) as being unpatentable by Aho et al (6198941).

3. Regarding claim 31 Aho et al teaches apparatus for transferring data from a network to a mobile device (101) comprising (fig. 1):

a transmitter arrangement having differing narrow (GSM 170) and wide bandwidths (WAVELAN 171) for transmitting data from the network (175) to the mobile device (101) (col.2, lines 31-43);

the transmitter arrangement being arranged for notifying the mobile device (101) of data awaiting transfer thereto from the network (175) via the first, lower bandwidth (170) (col.2, lines 35-40, col. 6, lines 31-42); and

the second transmitter being arranged for transferring the data to the mobile device (101) via the wide bandwidth (171) (col.6, line 43-col. 7, line 12).

Regarding claim 33 Aho et al teaches a method of data transfer by using first and second communication links of differing bandwidths (171, 170)) between a network (175) and a mobile device (101, the first link having a narrower bandwidth (170) than the second link, the method comprising (fig. 1):

notifying the mobile device of data awaiting transfer thereto from the network by transmitting a first signal from the network to the device via the first link (col. 2, lines 31-43, col. 6, lines 31-42); and

then transferring the data from the network to the mobile device by transmitting a second signal from the network to the device via the second link (col. 6, line 43-col. 7, line 12).

Regarding claim 48 Aho et al teaches a method of data transfer to a mobile device from a first communications network via a first narrow bandwidth link and a second communication network via a second wide bandwidth link, the method comprising (fig. 1):

transferring a message to the device from the first network via the first link (col. 2, lines 31-43), the message indicating that data are desired to be transferred to the device (col. 2, lines 31-43, col. 6, lines 31-42); and

then transferring the data to the device from the second network via the second link (col. 6, line 43-col. 7, line 12).

Regarding claim 52 Aho et al teaches a method of data transfer by using first and second communication links of differing bandwidths between a network and a mobile device, the first link having a narrower bandwidth than the second link, the method comprising (fig. 1): entering data into the mobile device (col. 2, lines 31-43); notifying the network of data awaiting transfer thereto from the mobile device by transmitting a first signal from the device to the network via the first link (col. 2, lines 31-43, col. 6, lines 31-42); and then transferring the data from the mobile device to the network by transmitting a second signal from the device to the network via the second link (col. 6, line 43-col. 7, line 12).

Regarding claim 53 Aho et al teaches a data transfer system comprising (fig. 1): a network, a mobile device, a first transmitter and a second transmitter, the network being adapted to contain data, the mobile device being adapted to receive signals from both the first and second transmitters (col. 2, lines 31-43), the first transmitter being adapted to transmit a first narrow bandwidth signal to the

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mobile device via a first narrow bandwidth link, the first signal indicating data on tile network are available to be transferred to the mobile device(col. 2, lines 31-43, col. 6, lines 31-42), the second transmitter being adapted to transmit to the mobile device via a second wide bandwidth link, -a second wide bandwidth signal including the data (col. 6, line 43-col. 7, line 12).

Regarding claim 63 Aho et al teaches a method of transferring data between a mobile device arrangement and a network arrangement via first and second communications links between the device arrangement and network arrangement, the first and second links respectively having narrow and wide bandwidths, the method comprising (fig. 1): sending a first narrow bandwidth signal from a first of the arrangements to the second of the arrangements via the first link (col. 2, lines 31-43, col. 6, lines 31-42), the first signal indicating that the first arrangement is ready to transmit data to the second arrangement (col. 2, lines 31-43, col. 6, lines 31-42), then sending a second wide bandwidth signal from the first arrangement to the second arrangement via the second link, the second signal including the data (col. 6, line 43-col. 7, line 12).

Regarding claim 65 Aho et al teaches a mobile telecommunications device for use with a long range telecommunications link and a wide bandwidth telecommunications link, the device comprising (fig. 1): a control processor (110), and a program memory carrying a program accessible by the control processor (col. 4, lines 3-15), the control processor, in use, being capable of operating the program so as to enable the device to receive an incoming Long range narrow bandwidth telecommunications signal indicative of the presence of data being available elsewhere at a wide bandwidth telecommunications signal station (col. 2, lines 31-43, col. 6, lines 31-42) and to inform a user of the device that there are data to be collected from a remote wide bandwidth station and further being capable of scheduling the data to be transmitted (col. 2, lines 31-43, col. 6, lines 31-42, col. 6, line 43-col. 7, line 12).

Regarding claims 34,64 Aho et al teaches further including scheduling the transfer of the data from the network to the mobile device, wherein the transfer of the data to the mobile device via the second link is based on the schedule (col. 2, lines 44-63, col. 6, line 43-col. 7, line 12).

Regarding claims 35,67 Aho et al teaches wherein the scheduling is executed in response to a user input at the mobile device (col. 4, lines 1-21, col. 6, line 43-col. 7, line 12).

Regarding claim 36 Aho et al teaches wherein the scheduling is executed by software on the mobile device (col. 4, lines 1-21).

Regarding claims 37,68 Aho et al teaches wherein the scheduling is executed by software present on a base station of the network, and further including transmitting data corresponding to the scheduling to the mobile device via the first link (col. 4, lines 1-21, col. 6, line 43-col. 7, line 12).

Regarding claims 38,49,54,58 Aho et al teaches wherein the first link included a public land mobile network (fig. 1, element 170).

Regarding claims 39,50,55-57 Aho et al teaches wherein the second link includes a wide band short range wireless network (fig. 1, element 171).

Regarding claim 40 Aho et al teaches wherein the second link is an unlicensed portion of the electromagnetic spectrum (fig. 1, element 171).

Regarding claim 41 Aho et al teaches wherein the first link is in a licensed portion of the electromagnetic spectrum (fig. 1, element 170).

Regarding claim 42 Aho et al teaches wherein the first link is in a licensed portion of the electromagnetic spectrum (fig. 1, element 170).

Regarding claim 43 Aho et al teaches further including only temporarily forming at least one of the first and second links (col. 2, lines 31-43).

Regarding claims 44,51,59,62 Aho et al teaches further including transferring data to the mobile device from a second network via another wide bandwidth link after the mobile device has

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been notified via a narrow bandwidth link that it is to receive data from the second network (col. 6, line 43-col. 7, line 12).

Regarding claim 45,60 Aho et al teaches further including the steps of transferring a decryption key from the network to the mobile device via the first link; and then transferring the data in encrypted form, based on the key, from the network to the mobile device via the second communication link (col. 5, line 45-col. 6, line 11, col. 6, line 43-col. 7, line 12).

Regarding claim 46,61 Aho et al teaches further including the step of determining the location of at least one of the mobile device and a base station of the second communication link by using GPS (col. 6, lines 12-26).

Regarding claim 47 Aho et al teaches wherein the scheduling is in accordance with scheduling criteria (col. 2, lines 44-63, col. 6, line 43-col. 7, line 12).

Regarding claim 66 Aho et al teaches a processor readable memory carrying a set of instructions which, when executed by a processor, causes the processor to act as the processor of claim 65 (col. 2, lines 55-62).

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KHAWAR IQBAL** whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

Khawar Iqbal



**CHARLES APPIAH**  
**PRIMARY EXAMINER**